

Election/Restrictions

Claims 50-55, 59-63, 68 and 76-92 are allowable. The restriction requirement between Groups I and II, as set forth in the Office action mailed on 10/28/02, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 56-58 and 64-67 and 69-75 are rejoined. In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Russett on September 2, 2008.

The application has been amended as follows:

IN THE CLAIMS:

In claim 54, at the last line of the claim, the phrase "beta-D-galactosidase moiety" was replaced by --prosthetic group that can be cleaved from the prodrug by the enzyme --.

In claim 55, the phrase -- R⁵ is a beta-D-galactosidase moiety -- was inserted after "radionuclide".

In claims 60 and 77, at line 4 of each claim, the phrase "a cellulase," was deleted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN HANLEY whose telephone number is (571)272-2508. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Wityshyn can be reached on 571-272-0926. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susan Hanley/
Examiner, Art Unit 1651

/Irene Marx/
Primary Examiner
Art Unit 1651

Search Notes (continued)



Application/Control No.

09/839.779

Examiner

SUSAN HANLEY

Applicant(s)/Patent under Reexamination

KASSIS ET AL.

1651

SEARCHED

Class

Subclass

Date _____

Examiner

SEARCH NOTES
(INCLUDING SEARCH STRATEGY)

DAT

EXMR

WEST: PGPBUS, DWPI, EPAB, JPAB, USPAT, see attached

9/1/2008

SMH

Interference search: PGPUBS and
uspat

9/1/2008

SMH

INTERFERENCE SEARCHED

Class

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Examiner